

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
August 29, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Special Session at 12:45 P.M., August 29, 2005, in the Supervisors' Conference Room, 301 W. Jefferson Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4, Don Stapley, Vice Chairman, District 2, (entered late), Andrew Kunasek, District 3; Fulton Brock, District 1, and Mary Rose Wilcox, District 5. Also present: Lori Pacini, Deputy Clerk of the Board, Juanita Garza, Minutes Coordinator, David Smith, County Manager and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

AUTHORIZATION TO FILE LAWSUIT AGAINST TROENDLE

Approve the authorization to file a lawsuit against Kevin Troendle and Jane Doe Troendle, as husband and wife, regarding property in the Laveen area. This item was discussed in Executive Session on August 22, 2005. (C1906012M00) (ADM3417)

Chris Keller, Deputy County Attorney, approached the dais and said that there was no additional information on this matter only to seek authority to file an action in this matter.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the authorization to file a lawsuit against Kevin Troendle and Jane Doe Troendle.

ACTION AGAINST BAXTER HEALTHCARE CORPORATION

Authorize the County Attorney to take all appropriate action, up to and including filing a lawsuit, to resolve a dispute regarding a contract with Baxter Healthcare Corporation. This item was discussed in Executive Session on August 22, 2005. (C1906013M00) (ADM413)

Supervisor Wilcox said, "I hate to see the County come to this level of action", but commented that it was her understanding that Baxter had stopped delivering supplies to the Hospital.

Chris Keller reported that Baxter was shipping products again, but still requested to move forward with the lawsuit in case Baxter Healthcare failed to follow through with any of the negotiations.

Chairman Wilson commented that he agreed with Mr. Keller on the decision to move forward with the action.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the County Attorney to take all appropriate action against Baxter Healthcare Corporation.

REGISTER FOR SETTLEMENT OF CLASS ACTION LAWSUIT AGAINST TOYOKA

Authorize county agencies that have purchased protective vests from Second Chance Body Armor Inc., to register for inclusion in a proposed settlement of a certified class action lawsuit, filed in the District Court for Mayes County, Oklahoma against Second Chance and Toyoka Company Ltd. and Toyobo of America (Toyoka), the manufacturer of Zylon fiber, used in the manufacture of Second Chance Body Armor. Registration must occur by September 9, 2005. Inclusion in the class action settlement would have the effect of settling claims by Maricopa County against Toyoka arising out of the sale of faulty personal protection body armor vests. This item would also authorize the Maricopa County Attorney and other affected agencies to choose either:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
August 29, 2005**

- o The full cash award to be subsequently determined pursuant to the settlement formula, or
- o Participation in a voucher program to purchase replacement vests at a deep discount. (C1906014M00) (ADM413)

Terry Stewart, Maricopa County Attorney's Office, Chief of Investigations, stepped forward to answer any questions regarding this matter. Mr. Stewart said that this was a request, on their behalf, to opt into a class action lawsuit and indicated that the deadline is September 9.

Supervisor Kunasek asked Mr. Stewart what defect had caused the product to fail, Mr. Stewart responded that the vest was manufactured with a fiber called "zylon". He indicated that heat exposure and time had caused the fiber to loose its effectiveness. Mr. Stewart reported that the company was going through bankruptcy and other companies were suing Toyoba as well, because of the defective product.

Supervisor Kunasek raised a question regarding the two settlement options offered to Maricopa County and other affected agencies.

~ Supervisor Stapley entered the meeting ~

Mr. Stewart replied, "Yes" and stated that the two options were to accept a cash settlement or purchase replacement vests at a discounted price. Mr. Stewart added that there was a third option that involved a \$25 dollar coupon towards products sold by the company.

In response to a question from Supervisor Kunasek, Mr. Stewart responded that he was not aware of any specific injuries that were related to or caused by the defective product.

Motion was made by Supervisor Wilcox, seconded by Kunasek, and unanimously carried (5-0) to authorize county agencies that have purchased protective vests from Second Chance Body Armor Inc., to register for inclusion in a proposed settlement of a certified class action lawsuit.

SUBLEASE AGREEMENT WITH UNIVERSITY PHYSICIANS HEALTH PLANS FOR LEASED SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Sublease Agreement MC-10150 with University Physicians Health Plans at 2502 E. University. The leased space is a portion of Lease No. L-7340 (C60040924) with Presson Advisory L.L.C. in Building B-1 at Airport Office Park. The lease area is approximately 11,000 square feet. The date of possession is estimated to be September 15, 2005, and the date of occupancy is estimated to be on or about October 1, 2005. The sublease will be co-terminus with L-7340 on September 30, 2006. Rent is \$15.23 per square foot per year (approximately \$167,530, annual). Notice of this sublease will be advertised pursuant to the provisions of A.R.S. §11-256.01. Legal approval is subject to review of the final document. (C1806013400)

David Smith, County Manager, commented that the following three items were all related items for the transfer of the AHCCCS Plan to University Physicians Health Plans, which involved leased space for them to come on site.

**SPECIAL SESSION
August 29, 2005**

LICENSE AGREEMENT WITH UNIVERSITY PHYSICIANS HEALTH PLANS FOR SHARED SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a shared space use license agreement with University Physicians Health Plans at 2516 E. University Drive, Phoenix. The space being licensed is currently leased by Maricopa County under Lease No. L-7352 (C60050494) with Presson Advisory L.L.C. in Building C at Airport Office Park. The license will be effective upon approval by the Board and will permit University Physicians Health Plans to continue to share space at the site until approval of a sublease agreement for other county-leased space in an adjacent building, on or about October 1, 2005. The space use requirement is variable depending on the number of staff at any given time. Legal approval is subject to review of the final document. (C1806014400)

IGA WITH SPECIAL HEALTH CARE DISTRICT TO TRANSFER HEALTH PLANS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Health Plan Transfer Intergovernmental Agreement (IGA) between Maricopa County and the Maricopa County Special Health Care District which transfers and assigns the AHCCCS Acute Plan from the County to the District, effective October 1, 2005. (C1806015200) (ADM2119)

2005 TAX RATE AMENDMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried to:

- Correct the action taken on August 15, 2005, by the Board of Supervisors in Item No. 1 "Fix and Determine Tax Rate", section two, regarding the calculation of the levy and the setting of the resulting tax rate for the Fountain Hills Sanitary District on Schedule F, Page 12. The request was originally listed as:

District #	District	2005 Property Tax Levy	2005 Assessed Value/Acreage	2005 Tax Rate
21564	Fountain Hills Sanitary	3,938,322	380,220,283	1.0358

Based on a corrected Secondary Net Assessed Value from the Assessor's Office, the corrected item should read:

District #	District	2005 Property Tax Levy	2005 Assessed Value/Acreage	2005 Tax Rate
21564	Fountain Hills Sanitary	3,937,096	373,290,604	1.0547

(Items added or changed are italicized)

- Direct the Treasurer to make corresponding changes in the affected tax bills. (C4906004802) (ADM1815)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
August 29, 2005**

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Lori Pacini, Deputy Clerk of the Board